

***VIA FACSIMILE TRANSMISSION - Official
To the USPTO at Fax Number (703) 872-9306
Application No. 09/706,592
April 4, 2005***

REMARKS

As explained in a telephonic interview kindly granted by the Examiner on April 4, 2005, the modem represented at 1324 in FIG. 13A, and described at col. 3 of Monroe et al (6,363,335, hereafter Monroe), lines 43-47, is a "standard GSM modem", so that applicant understands the commands shown in FIGS. 13B and 13C, such as "ESTABLISH LINK" to be standard SMS (GSM Short Messaging Service) commands – see col. 4, lines 9-12. Thus Monroe teaches the use of "commands in the command set utilized for a typical modem", and teaches that the standard commands are to have their standard meaning, directly teaching away from claim 16 of the present applicant! The Examiner indicated in the interview that she would need to review the entire Monroe disclosure and consider a 35 USC 103 rejection, as well as possibly considering other prior art, so that claim 16 could not be immediately placed in condition for allowance.

With respect to all the claims as now presented, Monroe teaches that the Hayes type commands 1332 and 1356, FIGS. 13B and 13C are transmitted via link 1306, FIG. 13A, which is disclosed as a "serial data interface" at col. 3, lines 40-43, and specifically an RS-232 lines, col. 6, lines 57-65; see also col. 7, lines 13-18, and col. 16, lines 46-48.

With respect to claims 16, 17 and 18, the references completely fail to disclose the relationships of clauses (a) and (b) of claim 16, of clauses (a) and (c) of claim 17, or of clauses (a) and (b) of claim 18, in the context of the totality of these respective claims.

Claims 22-25 are directed for example to specific features of the exemplary system of Appendix A which has now been inserted at page 9 of the specification without any material change. No new matter has been introduced. Claims 22-25 are completely

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distinct from the teachings of Monroe, when the respective claims are considered as a whole.

With respect to claims 26, 31, 32, 34 and 35, Monroe completely fails to disclose the relationships of clauses (a) and (b) of claim 26 as amended, clauses (a) and (b) of claim 31 as amended, clauses (a) and (b) of claim 32 as amended, clauses (b) and (c) of claim 34 as amended, or of clauses (a) and (b) of claim 35 as amended, in the context of the totality of these respective claims.

No Claim Fee for Extra Claims is Believed to be Due

Applicant has paid the fee for five independent claims over three, and eight independent claims are presented herewith, along with a total of fourteen claims, so that no further claim fees are believed to be due. The Patent and Trademark Office is hereby authorized to charge the cost of any claim fees that may be required to deposit account 14-1190.

GENERAL AUTHORIZATION UNDER 37 CFR 1.136(a)(3)

The Patent and Trademark Office is hereby authorized to treat this or any future reply, requiring a petition for an extension of time, as incorporating a petition for extension of time for the appropriate length of time.


The Patent and Trademark Office is hereby authorized to charge fees under 37 CFR 1.16 and 1.17 to deposit account 14-1190.

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CONCLUSION

An earnest effort has been made to fully respond to the final Official Action, and a favorable consideration and allowance of each of the claims as now presented is respectfully solicited.

Respectfully submitted,



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